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TYESHA STEVENSON

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TYESHA STEVENSON

Plaintiff,

vs.

MERCHANT'S CREDIT GUIDE
COMPANY; and DOES 1 to 10,
inclusive,

Defendants.

Case No.: **C12-03343 NC**

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

I. This is an action for actual and statutory damages brought by Plaintiff, Tyesha Stevenson, an individual consumer, against Defendant, Merchants' Credit Guide Company ("Merchants' Credit Guide"), for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (hereinafter "FDCPA") and Rosenthal Fair Debt Collection Practices Act, California Civil

COMPLAINT & DEMAND FOR JURY TRIAL

1 Code § 1788 *et seq.* (“RFDCPA”), which prohibits debt collectors from engaging
2 in abusive, deceptive, and unfair practices.

3 II. JURISDICTION

4 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28
5 U.S.C. §§ 1331, 1337 and 1367. Declaratory relief is available pursuant to 28
6 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that the Defendant
7 transacts business here and Defendant’s collection communications were received
8 by Plaintiff here.
9

10 III. PARTIES

11 3. Plaintiff, Tyesha Stevenson, is a natural person with a permanent
12 residence in, Oakland, Alameda County, California 94609. Plaintiff is a
13 “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3) and is a “debtor” as
14 defined by Cal. Civ. Code § 1788.2(h).
15

16 4. Upon information and belief the Defendant, Merchants’ Credit
17 Guide, is a national collector of consumer debt commercial debt collection agency
18 engaged in the business of collecting debt in this state and in several other states,
19 with its headquarters at 223 West Jackson Blvd, Suite 400, Chicago, Illinois
20 60606. The principal purpose of Defendant is the collection of debts in this state
21 and several other states, and Defendant regularly attempts to collect debts alleged
22 to be due another.
23
24
25

1 5. Defendant is engaged in the collection of debts from consumers using
2 the mail and telephone. Defendant regularly attempts to collect consumer debts
3 alleged to be due to another. Defendant is a "debt collector" as defined by the
4 FDCPA, 15 U.S.C. § 1692a(6), and RFDCPA, Cal. Civ. Code § 1788.2(c).

6 IV. FACTUAL ALLEGATIONS

7 6. The debt Defendant is attempting to collect on is an alleged
8 obligation of a consumer to pay money arising out of a transaction in which the
9 money, property, insurance or services which are the subject of the transaction are
10 primarily for personal, family, or household purposes, whether or not such
11 obligation has been reduced to judgment. As such, it qualifies as "debt," as
12 defined by 15 U.S.C. § 1692a(5) and "consumer debt," as defined by Cal. Civ.
13 Code § 1788.2(f).
14

15 7. Within one (1) year preceding the date of this Complaint, Defendant
16 has called Plaintiff several times in an attempt to collect on an alleged debt.
17

18 8. Defendant calls Plaintiff from phone number 888-249-3812.

19 9. Defendant calls Plaintiff and fails to leave voice messages, thus
20 failing to meaningfully identify itself to Plaintiff.
21

22 10. The natural consequences of Defendant's statements and actions
23 were to produce an unpleasant and/or hostile situation between Defendant and
24 Plaintiff.
25

1 11. The natural consequences of Defendant's statements and actions
2 were to cause Plaintiff mental distress.

3 **V. FIRST CLAIM FOR RELIEF**

4 **(Violation of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*)**

5
6 12. Plaintiff repeats and re-alleges and incorporates by reference to the
7 foregoing paragraphs.

8 13. Defendants violated the FDCPA. Defendants' violations include, but
9 are not limited to, the following:

10
11 (a) Defendant violated §1692d(5) of the FDCPA by calling the Plaintiff
12 frequently and thus causing her phone to ring repeatedly; and

13 (b) Defendant violated §1692d(6) of the FDCPA by calling the Plaintiff
14 and hanging up before Defendant could identify himself on Plaintiff's voicemail.
15

16 **VI. SECOND CLAIM FOR RELIEF**

17 **(Violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ.**

18 **Code § 1788 *et seq.*)**

19
20 14. Plaintiff repeats and re-alleges and incorporates by reference to the
21 foregoing paragraphs.

22 15. Defendants violated the RFDCPA. Defendants' violations include,
23 but are not limited to, the following:
24
25

1 (a) Defendant violated *Cal. Civ. Code §1788.11b* of the RFDCPA by
2 calling the Plaintiff from a blocked number and hanging up before Defendant
3 could identify himself;

4 (b) Defendant violated *Cal. Civ. Code §1788.11d* of the RFDCPA by
5 calling the Plaintiff and thus causing her phone to ring repeatedly;
6

7 (c) Defendant violated *Cal. Civ. Code §1788.11e* of the RFDCPA by
8 calling the Plaintiff with such frequency as to be unreasonable, thus constituting a
9 harassment; and
10

11 (d) Defendant violated *Cal. Civ. Code §1788.17* of the RFDCPA by
12 failing to comply with *§ 1692 et seq.* of the FDCPA, as noted above.
13

14 16. Defendant's acts as described above were done intentionally with the
15 purpose of coercing Plaintiff to pay the alleged debt.

16 17. As a result of the foregoing violations of the FDCPA and RFDCPA,
17 Defendant is liable to the Plaintiff, Tyesha Stevenson, for declaratory judgment
18 that Defendant's conduct violated the FDCPA and RFDCPA, actual damages,
19 statutory damages, and costs and attorney fees.
20

21 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered
22 against Defendant, Merchants' Credit Guide, for the following:
23

24 A. Declaratory judgment that Defendant's conduct violated the FDCPA
25 and RFDCPA;

1 B. Actual damages;

2 C. Statutory damages pursuant to 15 U.S.C. § 1692k and Cal. Civ. Code
3 § 1788.30;

4 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
5 Cal. Civ. Code § 1788.30;

6 E. Awarding Plaintiff any pre-judgment and post-judgment interest as
7 may be allowed under the law.

8 F. For such other and further relief as the Court may deem just and
9 proper.
10

11
12 **VII. DEMAND FOR JURY TRIAL**

13 Please take notice that Plaintiff, Tyesha Stevenson, demands trial by jury in
14 this action.
15

16
17 **RESPECTFULLY SUBMITTED,**
18 **PRICE LAW GROUP APC**

19
20 DATED: June 22, 2012

By: 

21 G. Thomas Martin, III
22 Attorney for Plaintiff
23
24
25